



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

September 16, 1998

WA 2917
9/16/1998
5F

Reply To
Attn of: WCM-126

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Marlys Palumbo, Senior Vice President - Law
Burlington Environmental, Inc.
1100 Oakesdale Avenue, S. W.
Renton, WA 98055

Re: Chemical Processors Inc. Pier 91 Facility
EPA I.D. No. WAD 00081 2917

Dear Ms. Palumbo:

The United States Environmental Protection Agency (EPA) received the Termination of Agreed Order to terminate the Resource Conservation and Recovery Act (RCRA) Section 3008(h) Order, EPA Docket No. 1089-11-06-3008(h), signed by you. The Termination of Agreed Order is now executed and is effective on the date of my signature. We appreciate your commitment to manage Burlington Environmental Inc.'s Pier 91 Facility in compliance with the applicable requirements.

Enclosed is a copy of the Termination of Agreed Order. The original has been filed with the EPA Region 10 hearing clerk. We look forward to a continuing cooperative relationship.

Sincerely,

Michael A. Bussell, Director
Office of Waste and Chemicals Management

Enclosure

cc: Julie Sellick, WA State Dept. Of Ecology, NW Regional Office
Galen Tritt, WA State Dept. Of Ecology, NW Regional Office
Manager, Environmental Management Section, Port of Seattle
Mark Warner, Burlington Environmental Inc.

FILE COPY

USEPA RCRA



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bcc: Nina Kocourek, WCM-12 (w/o enclosure) Diane Richardson, WCM-12 (w/o enclosure)
Anna Filutowki, WCM-126 (w/ enclosure) Jack Boller, WOO (w/ enclosure)
Robert Hartman, SO-155 (w/ enclosure) Kim Ogle, WCM-126 (w/o enclosure)

CONCURRENCES				POLICY FILE	
Initials:	<i>SL</i>	<i>LHA</i>	<i>JS</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Name:	Linda Liu	Robert Hartman	Jamie Sikorski	If policy file please bcc to RMSPU Manager	
Date:	9/14/98	9/14/98	9-14-98		
RCRIS EVENT Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> SNC IDENTIFICATION Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Can it be entered in RCRIS? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
REGION 9 POLICY FILE Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					

1
2
3 **THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
4 **REGION 10**
5 **SEATTLE, WASHINGTON**

6 **IN THE MATTER OF:**

7 Chemical Processors, Incorporated.
8 Pier 91 Facility
9 Seattle, Washington
(WAD000812917)

10 **RESPONDENT**

11 Proceeding under Section 3008(h)
12 of the Resource Conservation and Recovery
Act, 42 U.S.C. § 6928(h)

AGREED ORDER

EPA Docket No. [1089-11-06-3008(h)]

13
14 **TERMINATION OF AGREED ORDER**

15 1. This administrative order ("Agreed Order" or "Order") was entered pursuant to the authority
16 given to the Administrator of the United States Environmental Protection Agency ("EPA") by Section
17 3008(h) of the Solid Waste Disposal Act, also called the Resource Conservation and Recovery Act
18 of 1976 ("RCRA"), as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C.
19 § 6928(h). The authority vested in the Administrator to issue orders under § 3008(h) of RCRA has
20 been delegated to the Regional Administrators by EPA Delegation Nos. 8-31 and 8-32, dated April
21 16, 1985 (as revised on March 6, 1986), and further delegated by the Regional Administrator of
22 Region 10 to the Director of the Office of Waste and Chemicals Management.

23 2. This Order was issued to Chemical Processors Inc. Pier 91 Facility, at 2001 West Garfield
24 Street, Seattle, Washington, on May 7, 1990. The Pier 91 Facility is located on the northern water
25 front of Elliott Bay within one quarter mile of Smith Cove and Smith Cove Waterway. Respondent
26 has leased the Pier 91 facility from the Port of Seattle since approximately June 1971. Chemical
27 Processors Inc. changed its name to Burlington Environmental Inc. in January 1992. In December
28

CHEMICAL PROCESSORS, INCORPORATED PIER 91 FACILITY
TERMINATION OF AGREED ORDER

1 1993, Burlington Environmental Inc. was purchased by Philip Services Corporation. Burlington
2 Environmental Inc. has retained its name and continues to conduct business as a wholly owned
3 subsidiary of Philip Services Corporation.

4 3. The Parties agree that the Administrative Order, EPA Docket No. 1089-11-06-3008(h),
5 issued by EPA on May 7, 1990, is being terminated without prejudice, because the RCRA Dangerous
6 Waste Storage and Treatment Permit No. WAD000812917 issued to Burlington Environmental, Inc.
7 (operator) and the Port of Seattle (land owner) for Pier 91 by the Washington State Department of
8 Ecology ("The Department"), has been modified to include Corrective Action conditions.

9 4. This Order is being terminated in accordance with Paragraph 36(A), which provides that this
10 Order may be modified by mutual agreement of EPA and Respondent. The agreed modification shall
11 be in writing, and shall be signed by Respondent and EPA.

12 5. Respondent agrees and acknowledges that Paragraph 25 (A), entitled Records Preservation
13 remains in effect until four years after the date of the termination of this Order.

14 6. Respondent agrees and acknowledges that the termination of this Order and/or the work
15 performed under this Order does not limit or otherwise preclude EPA in any way from taking
16 additional enforcement action pursuant to Section 3008(h) of RCRA, or other applicable authorities,
17 should EPA determine such action is warranted.

18 7. Respondent agrees and acknowledges that the Respondent's completion of work under the
19 Order or the termination of this Order does not relieve the Respondent of its obligations to comply
20 with RCRA, and all applicable local, state, and federal laws and regulations.

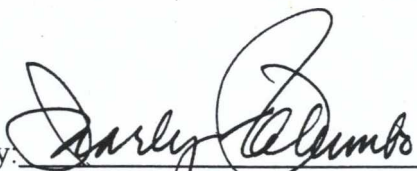
21 8. Respondent agrees that in any subsequent administrative or judicial proceeding initiated by
22 EPA, Respondent shall not assert, and may not maintain any defenses or claims based on the
23 principles of waiver, res judicata, collateral estoppel, issue preclusion, claim splitting, or other
24 defenses based upon any contention that the claims raised by EPA in the subsequent proceeding were
25 or should have been brought in the instant case.


1 9. The effective date of this Termination of Agreed Order is the date that it is signed by EPA,
2 after it is first signed by the Respondent.

3
4 IT IS SO AGREED AND ORDERED

5
6 DATE August 31, 1998

7
8 DATE: 9-16-98

By: 
RESPONDENT

By: 
MICHAEL A. BUSSETT, DIRECTOR
Office of Waste and Chemicals
Management
U.S. Environmental Protection
Agency, Region 10